

## **Statement of Michelle Willhelm**

Genesee County, Michigan

House of Representatives

Judiciary Committee Hearing on HB 4092 for Arrestee DNA Testing

Hello my name is Michelle Willhelm, I grew up in Burton, Michigan just outside of Flint. I want to share with you my experience and why I feel HB 4092 for arrestee DNA testing is important. This is the first time in 20 years since providing testimony at my rape trial that I have spoken publicly about what happened to me, but I feel that it is important that I begin to speak out. Not just for myself and my loved ones, but for those victims who have not yet found their voices.

On December 19<sup>th</sup>, 1988 I became a rape victim. But these days, I like to think of it as being a survivor. I was abducted by 2 men in a parking lot in downtown Flint at night. I was 19 yrs old and had been out that night with friends. There was freezing rain that night, and a friend and I ran to my car - it was the closest. I was going to give her a ride across the parking lot to her car. We were sitting in my car, allowing it to warm up, when I saw someone approach my friend's side of the car. He looked in the window and before I could react he opened her door. At the same time there was a man on my side of the car, who was pulling me out by my hair. He forced me into the back, but my friend kicked and ran for help - even as they screamed that they would kill me she ran. After 20 years, those words are still with me. I can still hear them.

Luckily, my friend got away. I was not so lucky. After hours in a car with strangers not knowing what was going to happen to me, I was raped by both men. They told me they would kill me if I did anything stupid. They said they would kill my family as well. Somehow, I worried more about my family than myself. My only hope was that if I stayed calm and did what they told me, maybe they would let me go. Eventually we stopped, and I was pulled out by my hair again and pushed toward a ditch. I remember wondering what it would feel like when they shot me. Would it hurt or would I die immediately? Before I could look back, they drove off with

my car. I was alone and hurt on a dirt road in the dark, freezing rain in the middle of nowhere. But I had survived.

I survived. And I need to share with you from a victim's point of view how important it is that the right men that did this to me are serving the time. The men were caught and I went through an extensive 3 week trial at 19 yrs old. It was tough, and I will never forget how hard it was to prove that these were the men that did this to me. I felt like a victim again having to testify in a court room full of people I didn't know, attorneys, jurors, court reporters - not to mention the men that did this to me. I was terrified, but I had no choice. I was more terrified that if these men were set free that they would come after me again.

My attackers were sentenced to 60 - 90 years in prison. One of them was already on parole for raping an 8 year old girl.

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I have not been a victim for a long time now. I am a survivor. And I need to start to speak out for other Michigan residents who have not yet found their voice. Even better, for residents who do not yet need a voice. HB 4092 needs my support, and it needs your too. Michigan should be taking DNA upon arrest for felony crimes.

My crime occurred before DNA was common in criminal investigations. There was no such thing as a DNA database. I was lucky. My attackers were caught. But there are so many other victims, struggling still to survive, who are not so lucky. They do not know who their attacker is. They live with the daily fear that their attacker will return. They live with the fear that their attacker will strike again - maybe at another woman, maybe at their own family. They wonder every time they see an unfamiliar face if this could be him.

The worst part of my trial was defending myself against suggestions that I and my friend had misidentified our attackers. Fortunately, our identifications were backed up by a mountain of other evidence. But many cases do not have this much evidence. Many have only DNA. According to FBI statistics, Michigan has over

6,000 unsolved cases on the national DNA database. Why would we NOT make this legitimate effort to solve these crimes?

Michigan has 2 cities on the top 5 list of dangerous cities to live in, and we need to change that. Yet, I know that for all the crime facing Michigan, we do not have that many criminals. Instead, most crime is committed by a core group of criminals who offend, and reoffend, and reoffend... Waiting until the justice system finally delivers a felony conviction is waiting too long. Taking DNA samples at arrest for felony crimes will not solve all the crime in Michigan, but it would be an important step in the right direction.

Send a message to criminals in Michigan. Tell them we will use the most accurate forensic tool available to law enforcement to find them. Tell them we will take their DNA if they are suspected of committing a felony in Michigan.

Thank you for your time and I hope you take this into consideration for the protection of all our family and friends. Please pass HB 4092.